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| RESPONSE UNDER 37 C.F.R. 1.116 |
| EXPEDITED PROCEDURE |
| EXAMINING GROUP 2132 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	09/437,345	Confirmation No. 7843
Applicant	:	Brant L. Candelore	
Filed	:	11/9/1999	
TC/A.U.	:	2132	
Examiner	:	Courtney D. Fields	
			RECEIVED
Docket No.	:	080398.P215	JUN 0 1 2004
Customer No.	:	8791	Technology Center 2100

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 CFR §1.116

Sir:

In response to the Final Office action of March 24, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 12 of this paper.

AP 2132

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	09/437,345
Filing Date	November 9, 1999
First Named Inventor	Brant L. Candelore
Art Unit	2132
Examiner Name	Courtney D. Fields

Total Number of Pages in This Submission	16	Attorney Docket Number	80398P215

ENCLOSURES   *(check all that apply)*

- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☒ Amendment / Response
  - ☒ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
  - ☐ PTO/SB/08
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Basic Filing Fee
  - ☐ Declaration/POA
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

Remarks

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) *(please identify below):*

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	May 24, 2004

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Susan McFarlane		
Signature		Date	May 24, 2004

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.				
TOTAL AMOUNT OF PAYMENT	($)	0.00		

Complete if Known

Application Number	09/437,345
Filing Date	November 9, 1999
First Named Inventor	Brant L. Candelore
Examiner Name	Courtney D. Fields
Art Unit	2132
Attorney Docket No.	80398P215

RECEIVED JUN 0 1 2004

Technology Center 2100

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number: **02-2666**

Deposit Account Name: **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: *(check all that apply)*

☒ Charge fee(s) indicated below ☐ Credit any overpayments
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
				SUBTOTAL (1) ($)	

2. EXTRA CLAIM FEES

	Extra Claims	Fee from below		Fee Paid
Total Claims	58 − 58* = 0	X 18.00 =		$0.00
Independent Claims	10 − 10* = 0	X 86.00 =		$0.00
Multiple Dependent		=		

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple Dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

**or number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($)

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
William W. Schaal	39,018	(714) 557-3800

Complete (if applicable)

Signature	Date
	05/24/04

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.   (Original) A method for storing a scrambled digital program comprising:

receiving the scrambled program;

receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program;

selecting at least one of the access requirements;

storing the scrambled program and the selected at least one access requirement.

2.   (Original) The method of claim 1, wherein each access requirement is included in a packet identifier (PID).

3.   (Original) The method of claim 1, further comprising filtering the selected access requirement with a filtering function that receives the plurality of access requirements at an input and permits the selected access requirement to pass to an output.

4.   (Original) The method of claim 3, wherein the output of the filtering function is delivered to an input of a digital storage medium.

5.   (Original) The method of claim 1, wherein the access requirements are selected from the group comprising pay per view, pay per time, impulse pay per view, time based historical, pay per time, repurchase of copy never movies, and personal scrambling.

6.   (Original) A copy management method for controlling the recording and reproduction of digital content comprising:

receiving a digital bitstream including program data, said program data including system information and said digital content in a scrambled format;

descrambling said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

re-scrambling said digital content in a descrambled format to provide a second output including said digital content in a re-scrambled format;

outputting said first output including said digital content in a descrambled format and a second output including said digital content in a re-scrambled format;

receiving a plurality of access requirements, wherein each access requirement can descramble the program data;

selecting at least one of the access requirements;

storing the scrambled program data and the selected at least one access requirement.

7.   (Original) The copy management method of claim 6, further comprising receiving and recording said digital content of said second output in a scrambled format.

8.   (Original) The copy management method of claim 6, further comprising:
demultiplexing said digital content from said program data; and
decompressing said digital content in a descrambled format to a decompressed state.

9.   (Original) The copy management method of claim 6, wherein said decompressing is executed in an MPEG decoder.

10.   (Original) The copy management method of claim 6, wherein said digital content is content contained in digital television transmissions.

11.   (Original) The copy management method of claim 6, wherein said digital content is content downloaded from the Internet.

12.   (Original) The copy management method of claim 6, wherein said descrambling and re-scrambling steps are carried out in a first conditional access unit.

13.   (Original) The copy management system of claim 6, wherein said descrambling step is carried out in a first conditional access unit, and said re-scrambling step is carried out in a second conditional access unit.

14.   (Original) The copy management system of claim 6, wherein said descrambling step comprises:

extracting a descrambling key included in said program data; and

applying said descrambling key to said digital content in a scrambled format to provide said digital content in a descrambled format.

15.   (Original) The copy management system of claim 6, wherein said descrambling key is used to re-scramble said digital content.

16.   (Original) A copy management method for controlling the recording and reproduction of digital content comprising:

receiving a digital bitstream including program data, said program data including system information and said digital content in a scrambled format;

descrambling said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

outputting said first output including said digital content in a descrambled format;

outputting a second output including said digital content in a scrambled format;

receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program;

selecting at least one of the access requirements;

storing the scrambled program data and the selected at least one access requirement.

17.   (Original) The copy management method of claim 16, further comprising receiving and recording said digital content of said second output in a scrambled format.

18.   (Original) The copy management method of claim 16, further comprising:

demultiplexing said digital content from said program data; and

decompressing said digital content in a descrambled format to a decompressed state.

19. (Original) The copy management method of claim 16, wherein said decompressing is executed in an MPEG decoder.

20. (Original) The copy management method of claim 16, wherein said digital content is content contained in digital television transmissions.

21. (Original) The copy management method of claim 16, wherein said digital content is downloaded from the Internet.

22. (Original) The copy management system of claim 16, wherein said descrambling comprises:

extracting a descrambling key included in said program data; and

applying said descrambling key to said digital content in a scrambled format to provide said digital content in a descrambled format.

23. (Previously Presented) An apparatus for storing a scrambled digital program comprising:

a receiver to receive the scrambled program and to receive a plurality of access requirements, wherein each access requirement can descramble the scrambled program;

a selector to select at least one of the access requirements; and

a memory to store the scrambled program and the selected at least one access requirement.

24. (Original) The apparatus of claim 23, wherein each access requirement is included in a packet identifier (PID).

25. (Original) The apparatus of claim 23, further comprising a filter to filter the selected access requirement with a filtering function that receives the plurality of access requirements at an input and permits the selected access requirement to pass to an output.

26.   (Original) The apparatus of claim 25, wherein the output of the filtering function is delivered to an input of a digital storage medium.

27.   (Original) The apparatus of claim 23, wherein the access requirements are selected from the group comprising pay per view, pay per time, impulse pay per view, time based historical, pay per time, repurchase of copy never movies, and personal scrambling.

28.   (Original) A copy management system for controlling the recording and reproduction of digital content comprising:

means for receiving a digital bitstream including program data, said program data including system information and said digital content in a scrambled format;

means for descrambling said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

means for re-scrambling said digital content in a descrambled format to provide a second output including said digital content in a re-scrambled format;

means for outputting said first output including said digital content in a descrambled format and a second output including said digital content in a re-scrambled format;

means for receiving a plurality of access requirements, wherein each access requirement can descramble the program data;

means for selecting at least one of the access requirements;

means for storing the scrambled program data and the selected at least one access requirement.

29.   (Original) The copy management system of claim 28, further comprising means for receiving and recording said digital content of said second output in a scrambled format.

30.   (Original) The copy management system of claim 28, further comprising:

demultiplexing said digital content from said program data; and

decompressing said digital content in a descrambled format to a decompressed state.

31.   (Original) The copy management system of claim 28, wherein said decompressing is executed in an MPEG decoder.

32.   (Original) The copy management system of claim 28, wherein said digital content is content contained in digital television transmissions.

33.   (Original) The copy management system of claim 28, wherein said digital content is content downloaded from the Internet.

34.   (Original) The copy management system of claim 28, wherein said descrambling and re-scrambling steps are carried out in a first conditional access unit.

35.   (Original) The copy management system of claim 28, wherein said descrambling step is carried out in a first conditional access unit, and said re-scrambling step is carried out in a second conditional access unit.

36.   (Original) The copy management system of claim 28, wherein said descrambling step comprises:
        means for extracting a descrambling key included in said program data; and
        means for applying said descrambling key to said digital content in a scrambled format to provide said digital content in a descrambled format.

37.   (Original) The copy management system of claim 28, wherein said descrambling key is used to re-scramble said digital content.

38.   (Original) A copy management system for controlling the recording and reproduction of digital content comprising:
        means for receiving a digital bitstream including program data, said program data including system information and said digital content in a scrambled format;
        means for descrambling said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

means for outputting said first output including said digital content in a descrambled format;

means for outputting a second output including said digital content in a scrambled format;

means for receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program;

means for selecting at least one of the access requirements;

means for storing the scrambled program data and the selected at least one access requirement.

39.　　(Original)　The copy management system of claim 38, further comprising means for receiving and recording said digital content of said second output in a scrambled format.

40.　　(Original)　The copy management system of claim 38, further comprising:

means for demultiplexing said digital content from said program data; and

means for decompressing said digital content in a descrambled format to a decompressed state.

41.　　(Original)　The copy management system of claim 38, wherein said decompressing is executed in an MPEG decoder.

42.　　(Original)　The copy management system of claim 38, wherein said digital content is content contained in digital television transmissions.

43.　　(Original)　The copy management system of claim 38, wherein said digital content is downloaded from the Internet.

44.　　(Original)　The copy management system of claim 38, wherein said means for descrambling comprises:

means for extracting a descrambling key included in said program data; and

means for applying said descrambling key to said digital content in a scrambled format to provide said digital content in a descrambled format.

45.   (Original) A system for storing a scrambled digital program comprising:

means for receiving the scrambled program;

means for receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program;

means for selecting at least one of the access requirements;

means for storing the scrambled program and the selected at least one access requirement.

46.   (Original) The system of claim 45, wherein each access requirement is included in a packet identifier (PID).

47.   (Original) The system of claim 45, further comprising means for filtering the selected access requirement with a filtering function that receives the plurality of access requirements at an input and permits the selected access requirement to pass to an output.

48.   (Original) The system of claim 47, wherein the output of the filtering function is delivered to an input of a digital storage medium.

49.   (Original) The system of claim 45, wherein the access requirements are selected from the group comprising pay per view, pay per time, impulse pay per view, time based historical, pay per time, repurchase of copy never movies, and personal scrambling.

50.   (Original) A computer readable medium containing instructions which, when executed by a processing system, cause the system to perform a method for storing a scrambled digital program comprising:

receiving the scrambled program;

receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program;

selecting at least one of the access requirements;

storing the scrambled program and the selected at least one access requirement.

51.   (Original) The medium of claim 50, wherein each access requirement is included in a packet identifier (PID).

52.   (Original) The method of claim 50, wherein the instructions, when executed, further cause the system to perform filtering the selected access requirement with a filtering function that receives the plurality of access requirements at an input and permits the selected access requirement to pass to an output.

53.   (Original) The medium of claim 52, wherein the output of the filtering function is delivered to an input of a digital storage medium.

54.   (Original) The medium of claim 50, wherein the access requirements are selected from the group comprising pay per view, pay per time, impulse pay per view, time based historical, pay per time, repurchase of copy never movies, and personal scrambling.

55.   (Original) A computer readable medium containing instructions which, when executed by a processing system, cause the system to perform a copy management method for controlling the recording and reproduction of digital content comprising:

receiving a digital bitstream including program data, said program data including system information and said digital content in a scrambled format;

descrambling said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

re-scrambling said digital content in a descrambled format to provide a second output including said digital content in a re-scrambled format;

outputting said first output including said digital content in a descrambled format and a second output including said digital content in a re-scrambled format;

receiving a plurality of access requirements, wherein each access requirement can descramble the program data;

selecting at least one of the access requirements;

storing the scrambled program data and the selected at least one access requirement.

56.   (Original) The medium of claim 55, wherein the instructions, when executed, further cause the system to perform receiving and recording said digital content of said second output in a scrambled format.

57.   (Original) The medium of claim 55, wherein the instructions, when executed, further cause the system to perform:

demultiplexing said digital content from said program data; and

decompressing said digital content in a descrambled format to a decompressed state.

58.   (Original) A computer readable medium containing instructions which, when executed by a processing system, cause the system to perform a copy management method for controlling the recording and reproduction of digital content comprising:

receiving a digital bitstream including program data, said program data including system information and said digital content in a scrambled format;

descrambling said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

outputting said first output including said digital content in a descrambled format;

outputting a second output including said digital content in a scrambled format;

receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program;

selecting at least one of the access requirements;

storing the scrambled program data and the selected at least one access requirement.

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action mailed March 24, 2004. A telephone conference was conducted between the Examiner and supervising Examiner on May 17, 2004. The discussion involved on subject matter of the arguments set forth below.

In the Office Action, claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54 were rejected under 35 U.S.C. §102(b) as being anticipated by Wasilewski (U.S. Patent No. 6,157,719). In addition, claims 3-4, 6-9, 16-19, 22, 25-26, 28-31, 36, 38-41, 44, 47-48, 52-53, and 55-58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of Muratani (U.S. Patent No. 6,061,451). Applicants respectfully traverse the rejection.

As the Examiner is aware, Wasilewski describes a system for limiting access to broadcast information. A CATV company or satellite television company provides its subscribers with information from a number of services. For example, the History Channel is a "service" that provides television programs about history. Each program provided by the particular service, such as the History Channel for example, is considered to be an "instance" for that service. *See Col. 4, lines 18-28 of Wasilewski.*

The instance is encrypted before being broadcasted to a large number of set top boxes (113_0-113_N). The encrypted instance (105) contains instance data (109), the encrypted information making up the program, and entitlement control messages (107). The entitlement control messages "ECM" (107) contain information needed to decrypt the encrypted instance data (109). *See Col. 4, lines 28-40 of Wasilewski.* The contents of the ECM (107) are changed every few seconds, or more frequently. *See Col. 4, lines 39-40 of Wasilewski.* Based on our review of Wasilewski (Col. 4, lines 52-55; Fig. 1), the ECM is not stored with the scrambled program. Rather, the ECM is used in combination with the previously stored authorization information (121) to produce a control word (117), which is used to decrypt the instance data (109) of the encrypted instance (105).

I. §102(E) REJECTION

In the Office Action, claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54 were rejected under 35 U.S.C. §102(b) as being anticipated by Wasilewski. Applicant points out that the rejection cannot be a §102(b) rejection because the subject application was filed prior to the issuance of Wasilewski. The rejection will be treated as a §102(e) rejection. Applicant respectfully traverses the outstanding §102(e) rejection in its entirely because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, a claim is anticipated only if each and every element as set forth in the claim is described, either expressly or inherently, in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987); *See also MPEP § 2131.* Herein, Wasilewski does not describe each and every element set forth in claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54.

According to page 2 of the Office Action, it is alleged that <u>Wasilewski</u> discloses the following limitations:

1) each program provided by a particular channel is an "instance" of that service; and
2) ECM is an access requirement.

With accordance with independent claims 1, 23, 45 and 50, the limitation of the "scrambled program" has been interpreted as an instance (e.g., a program for particular channel). *See Page 2 of the Office Action.* Moreover, the limitation of receiving a plurality of access requirements allegedly constitutes ECMs. *See Page 2 of the Office Action.* However, <u>Wasilewski</u> does not disclose the storage of the scrambled program (encrypted instance) and the ECM (considered to be the "access requirement"). In contrast, authorization information (121) from an enhancement management mode (EMM) is stored in the set-top box, not the ECM (107). The ECM (107) is extracted from the encrypted instance (105) and routed to the control word generator (119), which produces a control word (117) used to decrypt the instance data (109) of the encrypted instance (105).

In light of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the §102(e) rejection. In the event that the Examiner disagrees that the claims are in condition for allowance, Applicant respectfully requests the Examiner to address the limitations associated with each independent claim since these claims may differ slightly in wording and claim breadth.

II. §103(A) REJECTION

In the Office Action, claims 3-4, 6-9, 16-19, 22, 25-26, 28-31, 36, 38-41, 44, 47-48, 52-53, and 55-58 were rejected under 35 U.S.C. §103(a) as being unpatentable over <u>Wasilewski</u> in view of <u>Muratani</u>. Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

When evaluating a claim for determining obviousness, *all* limitations of the claim must be evaluated. *In re Fine*, 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)(Emphasis added). Herein, neither <u>Wasilewski</u> nor <u>Muratani</u>, alone or in combination, suggest every limitation set forth in the above-identified claims. For instance, none of these references describes or suggests "[means for] storing the scrambled program data and the selected at least one access requirement" as set forth in independent claims 6, 16, 28, 38, 55 and 58.

Moreover, the Office Action is devoid of any support for many of the limitations set forth in the independent claims, such as for example:

Claim 6: None of these references describes or suggests "re-scrambling said digital content in a descrambled format to provide a second output"; and

"outputting said first output including said digital content in a descrambled format and a second output including said digital content in a re-scrambled format."

Claim 16: None of these references describes or suggests "outputting said first output including said digital content in a descrambled format"; and "outputting a second output including said digital content in a scrambled format."

Claim 28: None of these references describes or suggests "means for re-scrambling said digital content in a descrambled format to provide a second output including said digital content in a re-scrambled format"; and "means for outputting said first output including said digital content in a descrambled format and a second output including said digital content in a re-scrambled format."

Claim 38: None of these references describes or suggests "means for outputting said first output including said digital content in a descrambled format; means for outputting a second output including said digital content in a scrambled format."

Claim 55: None of these references describes or suggests "re-scrambling said digital content in a descrambled format to provide a second output including said digital content in a re-scrambled format"; and "outputting said first output including said digital content in a descrambled format and a second output including said digital content in a re-scrambled format."

Claim 58: None of these references describes or suggests "outputting said first output including said digital content in a descrambled format; outputting a second output including said digital content in a scrambled format."

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding §103(a) rejection.
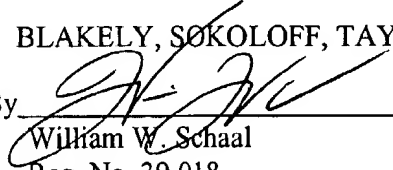
Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 5/24/2004   By_____

William W. Schaal
Reg. No. 39,018
Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

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Date: 5/24/2004

Susan McFarlanes   5/24/2004
            Date